IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3362 OF 2000

Panvel Co-operative Urban
Bank Ltd. Panvel, Dist.
Raigad. .. Petitioner

Vs.

Libra Agencies Pvt. Ltd.
and ors. .. Respondents

Mr. C.G. Gavnekar for petitioner.
Respondent No.1 is served.

CORAM: B.H. MARLAPALLE, J.

Date : June 27, 2006.

P.C.:

1. Heard Mr. Gavnekar the learned counsel for the petitioner-Bank. The said Bank had filed Misc. Application No.58 of 1998 in Special Darkhast No.33 of 1997 before the learned Civil Judge, Senior Division, Alibag praying for stay to the auction sale. The learned IIIrd Additional District Judge who was in-charge Civil Court, Senior Division, Alibag was pleased to reject the said application for stay by his order dated 117/2/2000. Hence this petition

challenging the order dated 17/2/2000.

2. When the petition came up for hearing on admission on 17/7/2000 this court while issuing notice, returnable on 30/8/2000 had allowed the auction sale to proceed except the two properties, namely, Survey No.103, admeasuring 1 hectare and 1 R. and Survey No.292 admeasuring 1 hectare and 38 R. of village Gagode Khurd, Taluka Pen, District Raigad. Inspite of the notice to the respondent no.1 none appears for it and the respondent nos.2 and 3 could not be served because they were not available on the given address. It will have to be, therefore, inferred that the respondent no.1 is not prejudiced by the conditional order passed by this court on 17/7/2000 excluding the two properties from the auction sale. The interlocutory directions in para 3 of the order dated 17/7/2000 passed by this court are hereby confirmed and this petition is disposed off in terms of the said directions. Similarly, the other two properties, namely, property Nos.513/A, No.27(1) No.F, Plot No.27 (Part) and property No. 27B situate

at Panvel, Tal. Panvel, Dist. Raigad shall also stand excluded on the lines of the interlocutory order in para 3 passed by this court on 17/7/2000.

3. Petition is disposed off in terms of the above directions.

(B.H. Marlapalle,J.)